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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 OPTRICS INC.,

13 Plaintiff,

14 v.

15 BARRACUDA NETWORKS, INC., a Delaware  
Corporation, and DOES 1 through 10, inclusive,

16 Defendant.

Case No.: 3:17-cv-04977-RS

**STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND TIME TO FILE  
AMENDED COMPLAINT AND  
RESPONSE AND TO CONTINUE CMC**

17  
18 Pursuant to Civil L.R. 6-1(b), Defendant Barracuda Networks, Inc. ("Defendant") and  
19 Plaintiff Optrics Inc. ("Plaintiff"), by and through their undersigned attorneys, hereby state and  
20 stipulate, subject to Court approval, as follows:

21 WHEREAS, on November 20, 2017, this Court entered an order granting in part and denying  
22 in part Defendant's Motion to Dismiss (*see* D.I. 27, the "Order");

23 WHEREAS, under the Order, Plaintiff's deadline to file an amended Complaint is December  
24 20, 2017, and, under Federal Rule of Civil Procedure 15(a)(3), Defendant's response to the amended  
25 Complaint would currently be due January 3, 2018;

26 WHEREAS, due to the December holidays, Defendant's operations will be shut down for  
27 part of the period after the amended complaint is filed and critical in-house individuals at Defendant  
28

1 and its outside counsel, whom are necessary for evaluating, preparing and reviewing its response to  
2 Plaintiff's forthcoming amended complaint will be out of the office;

3 WHEREAS, the parties have met and conferred and are agreeable to extending the time for  
4 Plaintiff to file its amended complaint until after the holidays to avoid Defendant's unavailability  
5 during the holiday period, such that Plaintiff's amended complaint would be due January 3, 2018,  
6 and Defendant's response would be due on January 17, 2018;

7 WHEREAS, on December 1, 2017, Plaintiff filed a Motion for Relief from an Order, or in  
8 the Alternative, A Motion Requesting Leave to File a Motion for Reconsideration with respect to  
9 elements of the Order (*see* D.I. 30), which, is scheduled to be heard on January 11, 2018 (the  
10 "Motion");

11 WHEREAS, there is a case management conference scheduled for January 25, 2018, at 10:00  
12 a.m.;

13 WHEREAS, the parties have met and conferred and are agreeable to extending the time for  
14 Plaintiff to file its amended complaint until after the holidays to avoid Defendant's unavailability  
15 during the holiday period and to account for the impact of the resolution of the pending Motion on  
16 Plaintiff's amended complaint, and the adjust the schedule such that Plaintiff's amended complaint  
17 would be due within 30 days after the Court's ruling on the Motion, and Defendant's response would  
18 be due 30 days after the filing of an amended complaint, and that the case management conference  
19 would be continued by 60 days to March 22, 2018, at 10:00 a.m., subject to the Court's convenience;

20 WHEREAS, there have been no previous time modifications in this case, and there is no trial  
21 date or case schedule in place so that the proposed modification herein will not materially impact the  
22 case schedule;

23 NOW THEREFORE, IT IS STIPULATED AND AGREED, subject to this Court's  
24 approval, that:

25 1. Plaintiff's time to file an amended complaint is extended to 30 days after the Court's  
26 ruling on Plaintiff's Motion for Relief from an Order, or in the Alternative, A Motion Requesting  
27 Leave to File a Motion for Reconsideration;

28 2. Defendant's response to Plaintiff's amended complaint is due 30 days after Plaintiff

1 files an amended complaint; and,

2 3. The Case Management Conference, currently scheduled for January 25, 2018, at  
3 10:00 a.m., is continued to March 22, 2018, at 10:00 a.m.

4 IT IS SO STIPULATED

5 DUANE MORRIS LLP

6 Dated: December 5, 2017

By: /s/ Karineh Khachatourian

7 Karineh Khachatourian  
Daniel T. McCloskey

8 Attorneys for Defendant,  
9 BARRACUDA NETWORKS, INC.

10  
11 Dated: December 5, 2017

12 By: LAW OFFICES OF HERBERT L. TERRERI PC

13 Herbert L. Terreri  
Grace Neibaron

14 Attorneys for Plaintiff,  
15 OPTRICS INC.

16 **ATTESTATION**

17 Pursuant to Civil L.R. 5-1(i)(3) regarding signatures, I attest under penalty of perjury that  
18 the concurrence in the filing of this document has been obtained from its signatories.

19  
20 DUANE MORRIS LLP

21 Dated: December 5, 2017

By: /s/ Karineh Khachatourian

22 Karineh Khachatourian  
Daniel T. McCloskey


23 Attorneys for Defendant,  
24 BARRACUDA NETWORKS, INC.

25  
26 **ORDER**

27 Having read and considered the foregoing Stipulation of the parties submitted herewith and  
28 for good cause shown,

1 PURSUANT TO STIPULATION, IT IS SO ORDERED:

2  
3 Dated: 12/5/17

  
Hon. Richard Seeborg  
UNITED STATES DISTRICT JUDGE